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COMMITTEE ON THE RIGHTS OF THE CHILD

Seventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Honduras

1. The Committee considered the initial report of Honduras (CRC/C/3/Add.17) at its 158th to 160th meetings (CRC/C/SR.158-160), held on 27 and 28 September 1994, and adopted* the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation to the State party for the report and the detailed written responses submitted by the Government of Honduras to the Committee's list of issues. The Committee welcomes the fact that these replies were self-critical and offered suggestions as to future priorities for action to be taken to improve the situation of children in Honduras. The Committee notes with particular satisfaction that the written replies were prepared in consultation with various entities, including non-governmental organizations, involved in implementing the rights of the child in the State party.

B. Positive factors

3. The Committee welcomes the commitment within the country to undertake measures to improve the implementation of the rights provided for under the Convention. It takes note of the fact that the Government recognizes the problems facing the country and that major efforts are required to address them. In this regard, note is taken of the legislative reform envisaged, in particular, the draft Minor's Code and the proposal to make military

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* At the 183rd meeting, held on 14 October 1994.

service voluntary as well as ensuring that it does not take place before the age of 18. The revision of policy, including the greater priority being accorded to meeting the basic social needs of the poorer sections of the population, is also welcomed.

4. The Committee notes with satisfaction the positive support and encouragement the Government is giving to developing cooperation with the National Commissioner for the Protection of Human Rights, inter-governmental organizations and non-governmental organizations in determining measures and priorities to improve the protection and promotion of the rights of the child in Honduras.

5. The Committee notes with interest the signing of the "Pact for children", an initiative which aims at strengthening the municipalities' involvement in the application and monitoring of the rights guaranteed under the Convention. The Committee acknowledges the State party's support to initiatives at the regional level, including through the Central American Parliament's Commission on the Child, to address issues relating to children such as trafficking in children, addiction and child labour.

6. The Committee takes note of the initiative to collect information on the organizations working for and with children throughout the country. It also takes note of the initiative to map out the poorest areas of the country with a view to prioritizing the provision of basic services to the areas most in need.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes that the measures taken by the Government of Honduras to repay the external debt and to implement the structural adjustment programme have put a strain on the country's resources. The deteriorating economic situation in Honduras is causing a worsening in the living and social conditions of Hondurans, so much so that about 60 per cent of the population live in extreme poverty. It also recognizes that drought, floods and other ecological problems have had serious consequences for Honduran families, dependent on agriculture as a means of livelihood, to maintain an adequate standard of living and thus support themselves and their children.

D. Principal subjects of concern

8. As almost 60 per cent of the Honduran population is under the age of 18, the country's worsening economic situation has had serious consequences for the children in Honduras. The Committee notes that the social inequalities existing in the country, including through the unequal distribution of income and land, have contributed to the considerable problems facing children in Honduras.

9. The Committee is concerned that the resources available for the implementation of the rights recognized in the Convention are insufficient to ensure adequate progress in improving the situation of children in Honduras.

10. The absence of a comprehensive strategy designed to promote awareness and understanding of the rights of the child among all adults and children in Honduras is noted.

11. The Committee is concerned that traditional attitudes prevailing in the country may not be conducive to the realization of the general principles of the Convention, including, in particular, article 2 relating to non-discrimination, including on the grounds of gender and ethnic origin, and article 12 relating to the respect for the views of the child.

12. Despite the measures taken by the Government of Honduras to improve and facilitate the registration of children, the Committee remains worried that difficulties persist in providing children in Honduras with the necessary registration certificates and that the absence of such basic documentation detailing the child's age and family affiliations may hamper the implementation of a child's other rights, including his/her access to public health services and to the necessary protection that a child should be accorded under the system of the administration of juvenile justice.

13. The Committee is concerned about the apparent inadequacy of the measures taken by the State party to ensure that its adoption procedures are conducted in accordance with the relevant provisions and principles of the Convention, in particular articles 3, 12 and 21.

14. The number of teenage pregnancies in Honduras is relatively high and the Committee, therefore, has serious doubts regarding the adequacy of family and sex education, particularly with regard to the general level of understanding and knowledge about family planning methods and the availability of family planning services. The Committee is also concerned that certain attitudes remain in society which hamper efforts to eradicate sexual abuse and exploitation.

15. The Committee notes that the lack of provision of and access to health services and facilities, and clean water and sanitation is an extremely serious problem in rural areas. The Committee is also concerned at the prevalence of the malnutrition of children from the poorer and more disadvantaged sectors of the population, especially as regards the adverse effects of the insufficiency of nutritious food on the child's right to survival and a healthy development.

16. As recognized by the State party, the Committee is concerned that measures are lacking to implement the provisions of article 23 of the Convention relating to disabled children.

17. Notwithstanding the initiative taken by the State party to provide bilingual education to children in schools, the Committee is deeply concerned at the insufficiency of measures taken by the State party to implement the provisions of article 28 of the Convention concerning the right of the child to education, especially in view of the low level of enrolment and retention of children in schools and the lack of vocational training in schools as well as the inadequacy of teacher training programmes and teaching material.

18. The Committee is concerned about the system of the administration of juvenile justice as it works in practice in Honduras. In this regard it notes with particular concern that in the majority of departments in the State party juvenile judges have not been appointed and that there is a lack of training programmes for juvenile judges. The Committee is also concerned at the proposals which exist to lower the age of criminal responsibility from 18 to 16.

19. The Committee expresses its deep concern at information it has received regarding the exploitation and abuse of girls working in the "maquilas" (assembly factories, mainly forming part of the textile industry).

E. Recommendations and suggestions

20. The Convention must be seen as the framework for action to improve the condition of children. In this connection, the Committee wishes to emphasize the importance of the application of the Convention's general principles, as reflected in its articles 2, 3, 6 and 12, in guiding the action to be taken to implement the rights of the child. In particular, the Committee wishes to draw the attention of the State party to the significance of the provisions of article 3 of the Convention concerning the best interests of the child, inter alia in directing future discussions and decisions about the allocation and provision of resources for the implementation of the rights of the child.

21. The Committee recommends that the necessary mechanisms be established at the national level to ensure the ongoing monitoring of the implementation of the rights guaranteed under the Convention. In this connection, the Committee suggests that the Government might wish to consider the possibility of according to the National Commission on the Rights of the Child the appropriate official status, including the possibility of constitutional status, as a means to enhance the effective functioning of this Commission. The Committee wishes to emphasize the importance of the participation and representation of various entities, including non-governmental organizations working with and for children, in any designated coordination and monitoring mechanism for the rights of the child. It is suggested that an annual report on the progress made in the implementation of the rights of the child should be prepared by the national monitoring mechanism and presented to Parliament. The Committee also recommends that systems for the collection of statistics and other data which would provide indications and trends as to the realization of children's rights should be further strengthened and developed.

22. The Committee recommends that the Government consider the possibility of organizing a meeting to discuss the matter of the availability of resources for the implementation of the rights recognized in the Convention, including within the framework of international cooperation. Participants in such a meeting could include members of the Committee, the donor community, the World Bank, IMF, UNICEF, other intergovernmental organizations and non-governmental organizations.

23. The Committee is of the opinion that greater efforts are required to make the principles and provisions of the Convention widely known to and understood by adults and children alike, including article 12 of the Convention relating to the right of the child to express his or her views and have them taken into

account. The Committee would like to suggest that a comprehensive strategy be worked out and put into operation as quickly as possible to realize this objective. It is important that such information should be prepared in the languages of children belonging to minorities or indigenous groups and should reach the people living in the remoter rural areas. Training material and programmes about the rights of the child should also be prepared and provided to personnel and professionals working with children, including judges, teachers, those working in institutions for children and law enforcement officials.

24. The Committee considers that greater efforts are required to sensitize society to the needs and situation of the girl child, to children living in rural areas and to socially disadvantaged children living in urban areas, in the light of article 2 of the Convention.

25. The Committee is of the view that further measures and efforts are urgently required to facilitate the registration of children so as to ensure that all children in Honduras possess the necessary registration certificates/documentation.

26. The Committee recommends that the State party ensure that its adoption procedures are in conformity with the provisions of the Convention, especially its articles 3, 12 and 21, and other relevant international instruments. The Committee recommends that the State party consider signing and ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

27. The Committee urges the State party to further strengthen family education programmes which should provide information on parental responsibilities in the upbringing of a child, including the importance of avoiding the physical punishment of children. The Committee further recommends that greater attention and resources be extended to the provision of family planning information and services. The Committee encourages the State party to further support measures which promote the provision of child care services and centres for working mothers.

28. While the Committee recognizes that the State party has introduced and developed primary health care and achieved major progress in immunization coverage, it notes that in some areas of the country, particularly in rural areas, a serious problem of access to the public health system, including primary health, persists. The Committee recommends that measures be taken urgently to extend and strengthen the primary health care system and to improve the quality of health care, including through incentives to attract higher numbers of volunteers into the system at the community level and through the provision of essential medicines and medical equipment at the various levels of health care in the country.

29. The Committee takes note of the efforts made by the State party to provide family and social assistance programmes as well as to implement supplementary food programmes with the aid of international cooperation, including from the World Food Programme. Notwithstanding these efforts, the Committee recommends that major attention and resources must be focused on further measures to address the problems of extreme poverty affecting the

majority of the population which have adversely affected the rights of the child to, inter alia, adequate nutrition, clothing and housing.

30. The Committee is of the opinion that a thorough review of the education system is urgently required. It recommends that measures be taken to improve the quality of education. It is suggested that more vocational training should be provided in schools and that further measures be introduced to train more teachers. It is also suggested that human rights education be incorporated into the school curriculum.

31. The Committee recommends that much greater attention be accorded to improving children's access to the education system and reducing the high incidence of school drop-out. In this regard, the Committee takes note of the suggestion of the Government which has not yet been implemented to organize the school year around the agricultural seasons with a view to organizing school vacations at sowing and harvesting periods. Equally, the Committee would like to suggest that the State party give consideration to the provision of meals and to complement the provision of health care through the schools.

32. As regards legislative reform in the area of the administration of juvenile justice, the Committee wishes to emphasize that any new legislative measures to be introduced in the State party must be guided by the principles and provisions of the Convention on the Rights of the Child and other relevant international instruments, in particular, "The Beijing Rules", The Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. In this regard, the Committee urges the Government to ensure that the age of criminal responsibility is not reduced. The Committee also wishes to recommend, in particular, that the system of the administration of juvenile justice must be adequately supported to function appropriately. This requires, inter alia, that juvenile judges be trained and function in all areas or "departments" of Honduras. Equally, the Committee recommends that the systems for the supervision of and visits to places of juvenile detention must be adequately provided for. It also recommends that the State party further strengthen measures to reduce the period of custody of juveniles to ensure that a juvenile's deprivation of liberty is used only as a measure of last resort.

33. To prevent further abuses being committed against children, the Committee strongly recommends that allegations of abuses against children and the ill-treatment of children be promptly investigated through an adequately established system and that persons committing such abuses do not benefit from impunity.

34. The Committee recommends that the Government undertake the necessary measures to introduce legislation for the protection of the rights of refugees, in line with the relevant international standards, including the Convention relating to the Status of Refugees and its Protocol. Technical assistance from UNHCR may be requested in this regard.

35. The Committee is of the view that there is an urgent need for the Government to consider reviewing its legislative and other measures relating to the minimum age for child labour as to its conformity with ILO Convention No. 138. In this regard, the Committee recommends that appropriate measures

be taken to protect children from economic exploitation and to provide for appropriate sanctions. The Committee recommends, in particular, that action be taken to ensure that the girls working in the "maquilas" are not exploited and abused. Moreover, the Committee suggests that the State party consider the possibility of adopting adequate measures to implement ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

36. Finally, the Committee would like to propose that consideration be given to publicizing and widely disseminating within the country the initial report and additional information submitted by the State party to the Committee as well as the summary records and concluding observations emerging from the discussion of the report of Honduras in the Committee.